

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA,

Crim. No. 3-94-133

Plaintiff,

v.

ORDER

SAMUEL K. WILLIS,

Defendant.

This matter is before the Court on Defendant's self-styled submission entitled "Motion Pursuant To 18 U.S.C. § 3582(c)(2), For A Modification Of An Imposed Term Of Imprisonment Consistent With 18 USC 3553(a)." (Docket No. 207.) Defendant contends that his sentence should be reduced, pursuant to 18 U.S.C. § 3582(c)(2), because of a post-sentencing amendment to a section of the Sentencing Guidelines that affected his sentence. The amendment at issue, known as "Amendment 674," modifies § 4B1.4 of the Guidelines, which applies to convictions under 18 U.S.C. § 924(c).

Amendment 674 was not adopted until long after Defendant was sentenced, and it is well-established that the Amendment is not retroactively applicable. United States v. Czeck, 172 Fed.Appx. 687 (8th Cir. 2006) (unpublished opinion); United States v. Ross, 165 Fed.Appx. 473, 474 (7th Cir. 2006) (unpublished opinion); United States v. Johnson, 160 Fed.Appx. 854, 856 (11th Cir. 2005) (unpublished opinion). Therefore, Defendant's sentence cannot be reduced pursuant to Amendment 674.

As the District Court Judge succinctly explained in the Czeck case –

"The Guidelines explicitly list amendments that justify consideration of a reduction under § 3582(c)(2). U.S.S.G. § 1B1.10(c) (policy statement) (Nov. 1, 2004). Amendment 674

is not listed, so no reduction is authorized.”¹

In sum, the Sentencing Commission has not identified Amendment 674 as a retroactively applicable amendment to the Sentencing Guidelines. Therefore, Amendment 674 cannot be applied to Defendant’s case, and Defendant’s motion for a sentence reduction pursuant to § 3582(c)(2) must be denied.

Based upon the foregoing, and all of the files, records and proceedings herein,

IT IS HEREBY ORDERED that:

Defendant’s “Motion Pursuant To 18 U.S.C. § 3582(c)(2), For A Modification Of An Imposed Term Of Imprisonment Consistent With 18 USC 3553(a),” (Docket No. 207), is DENIED.

Dated: August 6, 2007

s/Richard H. Kyle
RICHARD H. KYLE
United States District Court Judge

¹ United States v. Czeck, Crim. No. 4-95-96 (JMR/FLN), (D.Minn. 2005), (Rosenbaum, C.J.), Order dated June 27, 2005, [Docket No. 106], p. 2.